

Adopted	Rejected
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## COMMITTEE REPORT

YES:	10
NO:	1

### MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1609, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-16-7-2 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 1999]: Sec. 2. The state or any municipal
- 4 corporation thereof letting any such contracts shall require any
- 5 contractor or subcontractor performing such public work to file a
- 6 schedule of the wages to be paid to such laborers, workmen, or
- 7 mechanics thereon with:
- 8 (1) the state or with such municipal corporation; **and**
- 9 (2) **the state department of labor.**
- 10 Such schedule shall be filed before any work is performed on such
- 11 contract or subcontract; provided, such scale shall not be less than the
- 12 scale determined as provided in section 1 of this chapter; provided
- 13 further, that nothing in this chapter provided shall prevent such
- 14 contractor or subcontractor from paying a higher rate of wages than set
- 15 out in the schedule of wages filed by him.

1       SECTION 2. IC 5-16-7-3 IS AMENDED TO READ AS FOLLOWS  
2       [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A contractor or subcontractor  
3       who knowingly fails to pay the rate of wages determined under this  
4       chapter commits a Class B misdemeanor. If the contractor or  
5       subcontractor has committed a prior offense under this section, the  
6       contract on which the instant offense occurred shall be forfeited and the  
7       contractor or subcontractor may not receive any further payment on the  
8       contract nor may the state or the municipal corporation making the  
9       contract make any further payments on the contract from any of the  
10      funds under its charge or control.

11      **(b) In addition to the penalty in subsection (a), a contractor or**  
12      **subcontractor that knowingly fails to pay the rate of wages**  
13      **determined under this chapter more than two (2) times is**  
14      **prohibited from bidding for or conducting work on any public**  
15      **work by the state, a political subdivision, or a municipal**  
16      **corporation for a period of three (3) years after the date of the last**  
17      **violation. The state department of labor shall investigate and**  
18      **determine violations of this subsection. Conviction of a criminal**  
19      **violation by a court is not necessary for the department of labor to**  
20      **make a finding of a violation.**

(Reference is to HB 1609 as introduced.)

and when so amended that said bill do pass.

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Representative Liggett